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April 27, 2006

The Honorable Margaret Spellings
Secretary
U.S. Department of Education
400 Maryland Ave., S.W.
Washington, DC 20202

Dear Madame Secretary:

We are writing to request your proactive and immediate help in correcting the problem identified in recent press reports that found that up to 10 percent of Hispanic and black children's test scores are not being disaggregated in their schools' and districts' AYP calculations, and that more than one-third of Asian children's scores and nearly half of American Indian children's scores are not disaggregated. We are also deeply disturbed by the reports that minority children are seven times more likely to have their test scores excluded from disaggregation requirements than are white children.

As you know, the central reason for the enactment of the No Child Left Behind law was that minority children were not getting the same opportunity to learn in our schools that their peers were getting. Democrats and Republicans alike coalesced around the idea that schools must raise the achievement levels of all students, and could no longer ignore or provide less qualified teachers to minority children, as has all too often been the case.

While some flexibility is justified, it appears from these press reports that many states have been gaming the system, appealing to the U.S. Department of Education for loopholes that allow the exclusion of millions of minority children's scores from their accountability subgroups. States must not be allowed to continue to do this any longer.

We recognize that you have faced the difficult task of providing reasonable flexibility for schools to meet the goals of the law. Yet if states are simply gaming the system and harming students' chances for a better education, they must not be allowed to continue to do that -- period.

Additionally, there appear to be large discrepancies in n-size approval for different states. It is our understanding that n-size increase requests are denied on the basis of the subgroup exclusion rates. We would like to know what the Department considers to be "acceptable" exclusion rates, and the data on subgroup exclusion rates for all 50 states.

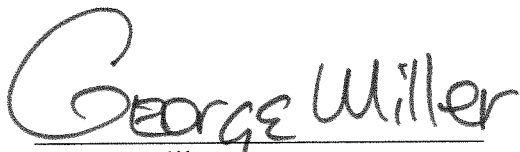
Congress will begin the long and important process of reauthorizing No Child Left Behind in 2007. There are many aspects of the law that will be examined at that time, including the current provisions on subgroup accountability and the many testing provisions, particularly as they pertain to the nearly 5 million children with limited English proficiency.

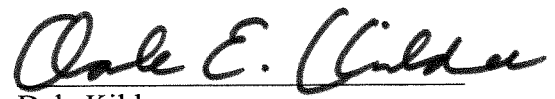
This problem goes to the heart of the law and is too important to wait until reauthorization to be addressed. Therefore, we are requesting detailed information from you about what steps you plan to take to revisit the waivers that have been granted to date.


Lastly, our concern about whose scores are disaggregated and whose are not is not merely a technical, statistical consideration about the calculations of state "n sizes" for reporting purposes. Rather, it is about remaining true to the spirit of the law – that states can and must provide a quality education to all of their children – and that the federal government must provide the resources it promised our children under No Child Left Behind but has not delivered.

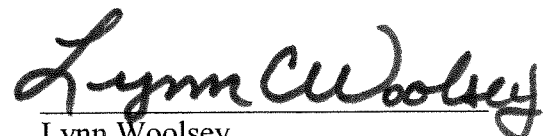
Thank you for your immediate attention to this urgent matter.


Sincerely,



George Miller
Senior Democrat

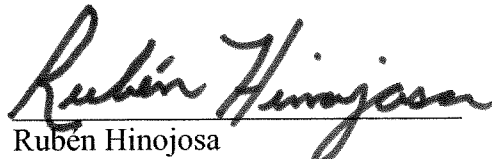

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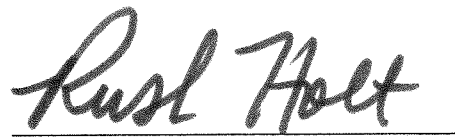

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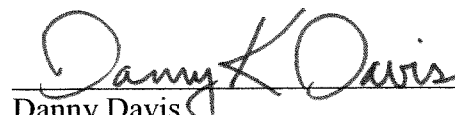

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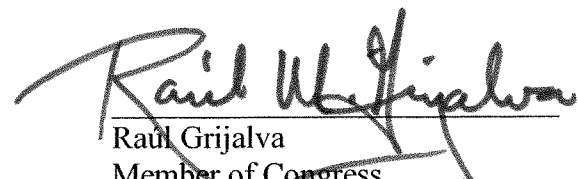

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